

R E M A R K S

Claims 1, 2, 4, 5, 7 and 9-15 are pending and under examination in this application.

The rejection of all claims under 35 U.S.C. 112, first paragraph, as containing new matter, is respectfully traversed.

On page 2, lines 24-27 of the specification, it teaches that the narrower grooves have a width of 15 mm or less, more preferably, 10 mm and less. This is the basis for the claim 2, which has been amended by the present amendment. Furthermore, the present amendment provides that the narrower grooves in the other tread half have a width of 15 mm or less and the basis for this limit is also on page 2, lines 24-27 of the present specification. Thus, it is believed that the rejection of all the claims under 35 U.S.C. 112, first paragraph, has been met and overcome by the amendments to the claims. Furthermore, the rejection of the claims under 35 U.S.C. 112, second paragraph, has also been overcome by the amendments to the claims and those suggested changes in the claims, proposed by the Examiner on page 3 of the outstanding Office Action, have been adopted and therefore, the rejection under 35 U.S.C.112, second paragraph, is moot.

The objection to claim 2 under 37 C.F.R. 1.75(c) is also overcome by the amendment to claim 2. Claim 2 no longer is broader than claim 1 in the width of the narrower grooves.

The rejection of the claims under 35 USC 103(a) as being unpatentable over Tanaka (U.S. Patent 5,679,85) in view of Verdier (U.S. Patent 3,682,220) and Europe '305 and optionally Europe '616 is respectfully traversed.

The rejection of the claims 1, 2, 4, 7 and 9-14 under 35 U.S.C. 103(a) over Tanaka '185 in view of EP '305 and Verdier '220 and optionally Europe '616, is respectfully traversed.

The primary reference, Tanaka, fails to teach inclining sidewalls of the super wide groove. The secondary reference, EP 0676 305, discloses having an inside portion of the tread with a wide circumferential groove (5) whose width is at least 35 mm. However, the wide groove (5) has a very special shape in that only one groove wall extends straight from the bottom edge of the circumferential wide groove to the outer surface of the tread part as set out in EP '305 on page 2 at lines 43 to 44. The other side of the wide groove (5) in the specification of EP '305 and in the claims specifically is shaped so as to be curved and convex outwardly in the tyre radial direction from the bottom edge of the circumferential wide groove (5); and the wide groove is also connected to the outer surface (11) of the tread part (2). Thus

the wall (9) is an arcuate groove wall, (see page 3, line 27). At page 3, line 32, the effect of the arcuate shape is mentioned to give a ground contacting tread area (F2), which is substantially curved as shown in Figure 4. However, this particular shape is specified to be when the tyre is normally loaded. Furthermore at page 4, lines 4 to 7 of EP '305, the effect of this gradual increase in groove depth is for the purpose of improved water discharge performance on the tread surface with the result that the wet grip performance of the tyre is enhanced. The teaching of EP '305 requires an arcuate groove wall (5) and this is further emphasized at page 4, line 8 to 10, where the possible shapes are mentioned. As a result, groove (5) is only a wide circumferential groove in the new tyre condition. The average width of the groove therefore is much less and what is more is only a wide circumferential groove for a small part of the depth of the groove (5).

Thus, EP '305 in teaching reduction in pass-by noise at page 4, line 19, is in reality only teaching it for the special groove shape disclosed, which of course will give a different shaped air column to generate resonance.

In contrast to the teaching of EP '305, the present invention has its super wide groove (4) formed by sidewalls, which are slightly inclined, see page 6 four lines from the bottom. Thus, the sidewalls are conventional sidewalls for grooves and not the very special curved sidewall groove of EP '305. For this reason, the present invention is patentable over the combination of Tanaka and EP '305, wherein the '305 European Patent goes to such lengths to teach the essential nature of the curved sidewall in a groove which is only wide at the tread surface.

The rejection of claims 5, 7, 8, 9 and 11-15 is also respectfully traversed in view of the foregoing arguments as to the primary reference Tanaka, Europe '305 and the following with respect to the other secondary references.

US 5,425,406 SWIFT in fact relates to a tyre having three distinct zones and discloses a wide groove (6), which is an "aquachannel". "Aquachannel" is defined in column 2 at lines 6 to 9 as a specially shaped wide circumferential groove with very curved groove walls at each side. It is designed specifically to channel water out of the footprint of the tyre. Thus, the tyre is very different from the present invention. Motivation to combine SWIFT et al. and EP '305 thus appears to be lacking.

US 3,682,220 VERIDER does disclose in Figure 4 provision of a rib (81) at the base of the groove and in another embodiment in Figures 6 and 7 a side reinforcement rib (70) at the base of the groove. The disclosure is very much that these are to prevent weakening of the tread in wide longitudinal grooves, see column 1, lines 46 to 51. However, motivation for the combination with EP '305 would seem to be lacking for reasons as stated above.

US 5,327,952 (GLOVER et al.) is combined with EP '305 but in view of the amendment to claim 1 and distinction in the amended claims discussed hereinabove it is urged respectfully that the present claims are allowable over the references.

In summary, therefore, it is argued that Tanaka together with EP '305 does not disclose the combination of groove widths and position set out in the amended claim of the present application. The specific teaching of the cited art is that the groove must have a very specially shaped sidewall to provide the advantages claimed in the prior art, and that this works specifically by generating a curvature in the contact patch at the side of the wide groove. The present invention as now claimed is patentably distinct from and inventive over the art citations in combination.

Reconsideration of the final rejection of all claims is accordingly respectfully solicited and favorable action respectfully urged.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward H. Valance (Reg. No. 19,896) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Edward H. Valance #19896
FOR Joseph A. Kolasch, #22,463

JAK/EHV:bmp
0656-0249P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000